IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1886 OF 2003

Balasaheb Baburao Rakhpasare. ...Petitioner
V/s.
The State of Maharashtra & Ors. ...Respondents

Mr.Jayesh B. Kocheta for Petitioner.
Mr.B.H. Mehta, A.P.P. for State.

CORAM : A.S. AGUIAR, J.
DATED : AUGUST 17, 2004.

P.C. :-

1. Heard learned Advocate for the petitioner and learned A.P.P. for the State. Learned A.P.P. states that so far he has not received any instructions from the concerned officer despite having taken time for the same.

2. Learned Advocate for the petitioner points out that the petitioner who is challenging the externment order on various grounds does not press the petition on merits. However, he states that the petitioner has spent eleven months out of twelve months pursuant to the externment order which has been passed in view of the offences which cannot be said to be very serious and

further that the offences were registered pursuant to the dispute between the family members. He further states that the petitioner has not committed any breach of externment order and no fresh incident has taken place. Reliance is placed on the Judgment of this Court reported in **1998 ALL MR (Cri) 438 in the case of Abdul Wasim S/o. Mohammad Faruq Musalman V/s. State of Maharashtra & Anr.** wherein in view of the young age of the accused, the externment order was reduced from two years to one year.

3. In the present case also, the petitioner is young and has a bright future. He has school going children. Since the petitioner has already undergone the major part of the externment order, I am inclined to grant the application of the petitioner.

4. Hence, on the application of the learned Advocate for the petitioner, petition stands withdrawn. The period of externment order is reduced to the period already undergone. Petitioner may be allowed to return to the jurisdiction of Yerwada Police Station or the

jurisdiction of Pune District. Petitioner will report to Yerwada Police Station twice a week for one month.

. With the above order, petition to stand disposed of.

. Parties be supplied authenticated copy of this order.

(A.S. AGUIAR, J.)